Women Prisoners at the Dawn of the 21st Century

Natalie J. Sokoloff

ABSTRACT. The contemporary experiences of women in prison at the beginning of the 21st century must be understood within the context of the monumental increase in incarceration of specific U.S. populations in the last three decades of the 20th century, a truly unique period in history. How race and class impact on the increase of women in U.S. prisons attests to the importance of an intersectional and structural analysis (of race, class, and gender) in explaining the huge number of poor, heavily Black and Latina women incarcerated today. Women are criminalized for the same kinds of crimes today as in the past (nonviolent larceny-theft, forgery, and prostitution)–with the critical addition of drugs (and the "net widening" of previously noncriminal or nonviolent behaviors). And with drugs, the racialized impacts are even more profound. The socially structured conditions of class, race, and gender in the

Natalie J. Sokoloff, Professor of Sociology, has been a member of the faculty of John Jay College of Criminal Justice for more than 30 years and is on the doctoral faculties in Sociology, Criminology, and Women's Studies at the Graduate School, City University of New York. She co-edited *The Criminal Justice System and Women,* 3rd Ed. (McGraw-Hill, 2003) and her new book *Domestic Violence: A Reader on the Intersections of Race, Class, and Gender* is published by Rutgers University Press (2005).

Address correspondence to: Natalie J. Sokoloff, Sociology Department, John Jay College of Criminal Justice, 899 Tenth Avenue, New York, NY 10019 (E-mail: nsokoloff@jjay.cuny.edu).

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context of globalization, unemployment, and the prison industrial complex help to explain these findings.

KEYWORDS. Women's prisons, history of women's prisons, women prisoners

The contemporary experience of women in prison at the beginning of the 21st century is based on the monumental increase in incarceration of U.S. citizens in the last three decades of the 20th century. This period has been labeled by Meda Chesney-Lind (1997, 2000) as one of "equality with a vengeance." Women, so to speak, have had "the book thrown at them" for demanding equality in the courts, at school and work, and in the home. Thus, despite the fact that prisons and punishments were designed for the violent male offender, women have gotten the same harsh sentences applied to them in a conservative punishment era that intensified under the burden of "mandatory minimums," "three-strikes" laws, and "truth-in-sentencing" laws.[1] All such laws had the effect of incarcerating more people, for longer periods of time, with less options for diversion from prison or opportunities for parole or rehabilitation. Thus, women were swept into the penal dragnet without regard for the fact that they were primarily nonviolent drug and economic (theft, forgery, petty larceny) offenders (see Steffensmeier and Schwartz, 2003a, 2003b). As women's incarceration for violent crime convictions fell (from almost half of all women prisoners–49 percent–in 1979 to a little over one-quarter–28 percent–in 1996), women's overall incarceration rate skyrocketed (Chesney-Lind, 2000; Steffensmeier and Schwartz, 2003a).

Let us look at the ways in which the numbers of women in prison increased in the last three decades of the 20th century and how this increase specifically impacted certain groups of women. The early 1970s mark the beginning of the second Great Experiment in prison history–with the systematic "mass imprisonment" of certain populations (especially young Black men, more than one-third of whom are under the control of the criminal justice system today) is said to occur (Mauer, 1999, 2001; Garland, 2001).[2] How does this impact the experience of women in prison and does it do so differently for poor Black and Latina than white women?

At the beginning of the second Great Experiment in prison history in 1970, there were only 5,600 women in prison (Currie, 1998). In fact, between 1936 and 1975, the number of women incarcerated in state and federal prisons in the U.S. fluctuated between 5,000 and 8,000 prisoners (Simon, 1993). By 1980 there were still fewer than 12,500 women in State and Federal prisons (Bureau of Justice Statistics 1995). But over the next two decades that number rose to 94,336–a more than seven-fold increase in women's imprisonment by 2001. Add to that another 72,621 women in jail in 2001 and 167,000 women are incarcerated in the U.S. today (Beck, Karberg, and Harrison, 2002). In addition, over 800,000 more women are on probation and parole (Greenfeld and Snell ,1998).[3] In short the numbers are no longer small at all: almost 1 million women are under the control of the criminal justice system in the U.S. today.[4] This growth was at least partly made possible by a huge prison building program (Irwin and Austin, 1997). Between 1930 and 1950 only 2 or 3 prisons opened across the country for women every ten years. Each decade saw greater increases in the numbers of women's prisons: 7 new units in the 1960s, 17 in the 1970s, 38 in the 1980s. Thus, by 1990, the nation had a total of 71 female-only facilities. Within another 5 years, the number jumped to 104 in 1995 (Chesney-Lind, 1998). Today, during a period of fiscal crisis, women's prisons are still being built (e.g., see "States Propose Flurry of New Prisons, Many for Women" 2003). (Despite the closing of some prisons in the early 2000s due to serious financial constraints, building of new prisons keeps occurring.)[5]

The reality of this growth, however, is that there is a differential impact by race as to *which groups* of women end up in prison. Although almost half of the female prison population is Black, only 13 percent of the U.S. female population is Black (Harrison and Beck, 2002).[6] (This is similar to the rate for men in prison too.) Overall, Black women are 7 times more likely than white women to be incarcerated; and in 15 states, including New York, African American women are incarcerated at rates 10 to 35 times greater than white women (Bonzcar and Beck, 1997). In New York State, 55 percent of female prisoners are African American and 29 percent are Latina. Thus, between 8 and 9 out of 10 female prisoners in New York State are Black and Latina (Women of Color Policy Network, 2003).[7]

Women in prison are among the most oppressed and vulnerable populations in the U.S. (Luke, 2002). Women prisoners are typically young (in their mid 30s), poor (35 percent earned less than $600 per month), heads of households (75 percent),[8] with limited education (less than 40 percent completed high school),[9] mothers of young children (70 per-

cent), and not infrequently homeless (up to 40 percent in some urban areas) (Greenfeld and Snell, 1999).[10] In addition, most women in prison have serious, long-term substance abuse problems (50 percent were using drugs or alcohol at time of arrest–see Greenfeld and Snell, 1999; Belknap, 1996), are in poor health (often with complications of HIV, asthma, diabetes, hypertension, STDs and reproductive health problems–see Freudenberg, 2001), and are the victims of childhood abuse and continued abuse in adult life (57 percent women prisoners were ever abused physically and/or sexually–see Greenfeld and Snell, 1999; Browne, Miller, and Maguin, 1999).

Most women are taken into custody today for the same kinds of crimes for which women have always been arrested: nonviolent larceny-theft, forgery, fraud, and prostitution–with the critical addition since the 1980s of drug possession and sales (Sokoloff, 2001). Only a small percent of women (14.6 percent nationally and 11.5 percent in NYC in 2000–see Sokoloff, 2001) are arrested for violent crime (Steffensmeier and Schwartz, 2003a), three-fourths for *simple* assaults (Greenfeld and Snell, 1999). And less than one-third (30 percent) of women are incarcerated for violent crime of any kind (Steffensmeier and Schwartz, 2003a). This is very different than men, at least half of whom are in prison for violent crime (Snell and Morton, 1994). However, when women are offenders in violent crime, victims report over half the women offenders were white and just over one-third were Black. Moreover, victims describe an *equal percent* of white and Black women robbing them (40 percent each) or committing an aggravated assault against them (43 percent each) (Greenfield and Snell, 1999). Yet, from the media as well as from incarceration statistics, one would never know this because African American women are the ones who are portrayed as and punished for being the primary violent offenders.[11]

Overall, women's incarceration for drug offenses has increased from 1 in 10 (10 percent) of all women prisoners to almost 2 in 5 (38 percent). In the Federal prison system, two out of three women are in prison for drug offenses. Moreover, it is not all women, but mostly women of color (primarily Black and secondarily Latina) who are incarcerated on drug charges (Sudbury, 2003). Because these women are mostly "low down on the totem pole" of drug organizations, they have little with which to bargain in terms of information on the drug operation or identification of drug ring leaders when faced by zealous prosecutors. Women are much more likely to be given mandatory minimum sentences–and for a much smaller amount of the drugs such as crack, which carries a punishment ten times longer in prison than pow-

der cocaine, a drug more typically the drug of choice among the white population.[12] Thus, a case can be made that the War on Drugs has become a "War on Poor Black Women," who now comprise more than 50 percent of the women's prison population–despite the fact that they represent only 12 percent of the general female population in the U.S. (Bush-Baskette, 1998). The explanation for much of the increase in women's incarceration is that criminal justice system policies have changed, not women's criminality. This is true even when it comes to violent crime.

When women are incarcerated for violent offenses, the offenses tend to be of a much less serious nature than those of men and often, too, the behaviors have only recently been defined as "offenses." For example, nearly 3 in 4 violent victimizations committed by women offenders are simple assaults (compared to about one-half of men's assaults).[13] Moreover, what previously might have been viewed as a shove between a mother and daughter can translate now into a violent criminal offense. Further, laws put into effect to protect battered women now lead to three times as many women and girls being arrested than a decade earlier. This is happening because "mandatory arrests" for domestic violence all too often result in the battered woman herself being arrested along with the batterer. As Steffensmeier and Schwartz (2003a, 2003b) warn, it is a "boot strapping" or "net widening" process that brings more and more women into prison for lower levels of all types of crimes, but especially so-called violent crimes.

Many researchers have found that women's (and men's) crime tends to reflect the role that "economic disadvantage" plays in their criminal careers. (For a review of this and other theories explaining women's crime, see Steffensmeier and Schwartz, 2003b; Sudbury 2003.) However, gender likewise plays a role in shaping men's and women's responses to poverty. English (1993) found that women's criminal careers reflect "gender differences in legitimate and illegitimate opportunity structures, in personal networks, and in family obligations."

Gender matters in the forces that propel women into criminal behavior (Owen, 2003). It took a feminist perspective to understand the nature of abuse against women and its importance in comprehending women's pathways to crime (Gilfus, 1992; Richie, 1996). While it is true that both incarcerated men and women have histories of sexual and physical violence against them in a family setting, this seems to be more prevalent and longer-lasting in the lives of women than men who end up in prison. Thus, for example, 43 percent of women, but only 12 percent of men report abuse at least once prior to their current imprisonment; women's

prior physical (33.5 percent) and sexual (34 percent) abuse is much greater than men's (10 percent and 5 percent respectively); and while about a third (32 percent) of the women started being abused as girls and continued to be abused as adults, only 11 percent of the men report abuse as boys, and, most importantly, this abuse did not continue into adulthood.

Even when women commit violent offenses, gender and abuse play an important role in their crimes. Thus, of women convicted of murder or manslaughter, many had killed husbands or boyfriends who repeatedly and violently abused them. In New York, for example, one study showed that, in 1986, 49 percent of the women committed to prison for homicide had been victims of abuse by that person at some point in their lives and 59 percent who killed someone close to them were being abused at the time of the offense (*Correctional Association Reporter*, 1991). In a more recent study of 84 Black women in prison, among those women who committed homicide, domestic violence was directly involved in 40 percent of the cases (Johnson, 2003).[14]

Once again, it is inadequate to discuss women in prison without taking into account the racialized nature of women's incarceration. Sudbury (2003) writes that in order to deal with the issues confronting women in prison, we need to take a broader perspective, one that examines the impact of capitalist globalization forces as well as the demise of minority inner city "ghettoes" and rural white communities as a result of factories and other businesses moving south and overseas for cheaper labor. The result is unemployment of large numbers of poor inner-city communities of color and poor whites in rural areas leading to increased crime rates. At the same time, this process exploits, through very low wages, women and men in other countries throughout the third world. Simultaneously, Sudbury argues, a "profitable relationship between politicians, corporations, the media and state correctional institutions . . . generates the racialized use of incarceration as a response to social problems rooted in the globalization of capital." This has come to be known as the "prison industrial complex." This complex process combined with the globalization of the War on Drugs, according to Sudbury, has led to the incarceration of poor women of color from around the globe in U.S., Canada, and many European countries.[15]

Black women, incarcerated in the U.S. at a rate seven to eight times greater than white women and four times greater than Latinas, become "human sacrifices when education, job creation and welfare receive short shrift and profitable technologies of imprisonment garner more and more support." They should be seen but rarely are, according to Davis (2000), as "victims of racist and sexist discrimination."

NOTES

1. Clearly, both the law and the criminal justice system were historically created based on male gender norms, which reflect the position of white, propertied, heterosexual men. But women, who are located at different intersections of the socially structured systems of race, class, gender, sexual orientation, and immigrant status for the most part, do not behave like men and should not be subjected to a system of punishment designed for (violent) men (Sokoloff et al., 2003). Despite this reality, providing a female-centered prison may be a contradiction in terms (see Faith, 2003 for further discussion).

2. The first Great Experiment occurred in the late 18th to early 19th centuries with the movement of punishment of offenders from the streets into penitentiaries (Mauer, 1999).

3. Another way of saying this is that while nearly two-thirds of women confined in prison are Black and Latina, only one-third of women under probation supervision are Black or Latina (Greenfeld and Snell, 1999, p. 7).

4. The fact that so many women are on probation or parole is important because one-third of all women who enter prison have had their parole or probation violated–mostly for what are called technical violations (e.g., having drugs in one's urine), not the commission of another crime.

5. Women have a much higher *rate* of increase in incarceration than men, which is very important in human terms. However, it is important to remember that women's higher rate of increase is, statistically speaking, primarily because women begin with much lower base numbers. Thus, women's growth in imprisonment is smaller than men's numerically. Since 1980, the number of men in prison grew from a little over 315,000 to more than 1.1 million plus another half million in jail (Gilliard and Beck, 1998; Gilliard, 1999). In 2002 there are just over 2 million men in prison and jail (Mauer, 2001). Overall today there are 5.5 million men and just under 1 million women under the control of the criminal justice system. (Beck and Karberg, 2002). Despite its preeminent position in the world's economy, U.S. men and women make up one-fourth of the entire prison population in the world (Mauer, 1999).

6. When Latinas/Latinos are included in the figures, Blacks and Latinas/os make up 62 percent of the incarcerated population, though they comprise only 25 percent of the national population (Bonzcar and Beck, 1997; US: Incarceration Rates Reveal Striking Racial Disparities, 2002).

7. Despite their small numbers in the population overall, Native Americans are nevertheless ten times more likely than whites to be imprisoned (Rojas, 1998).

8. Ellen Barry. 2003. Personal Communication.

9. In New York State prisons about two-thirds of men and women have neither a high school diploma nor a GED. In New York City jails this figure jumps to 90 percent, with 50 to 70 percent of adult prisoners reading below the sixth grade level in English (Fine et al., 2003).

10. A recent survey of Chicago's Cook County Detention Center finds that only 8 percent of the women report having a home to go to upon release. *Unlocking Options for Women: A Survey of Women in Cook County Jail*. 2003. Available at: *www.chicagohomeless.org*.

11. For a review of the racially discriminatory criminalization process up to and including prison for different groups of women of color, see Mann (1995). Specifically for Latinas, who have the fastest *rate* of increase in incarceration, see Cotto-Diaz (1996, 2002) and for Native American women, see Ross (1998).

12. While only 5 grams of crack leads to a mandatory minimum of 5 years in prison, it takes 500 grams of powder cocaine for this same punishment to occur. These differential punishments exist despite the fact that there is "no dramatic difference in cocaine use by race or ethnicity" (Mauer, 1999, p. 148).

13. However, even here, Black women are much more likely to be incarcerated for violent offenses–even though "Black and white offenders accounted for nearly equal proportions of women committing robbery and aggravated assault; however, simple assault offenders were more likely to be described as white" (Greenfeld and Snell, 1999).

14. Johnson (2003) makes clear, however, that sexual and physical abuse histories were so common for all of the women in her sample that 70 percent reported past sexual and physical abuse in their lifetimes.

15. For an analysis of the *impact* of these conditions on African American women's lives–both inside and outside of prison, see Sokoloff (2004).

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